

Court of Appeals, State of Michigan

ORDER

Ronald Riebschleger v Christine Robrahn

Docket No. 295779

LC No. 09-011077-AV

William B. Murphy
Chief Judge

Jane E. Markey

Douglas B. Shapiro
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the December 11, 2009, order of the circuit court is VACATED as void *ab initio* for want of subject matter jurisdiction. The underlying action is a small claims action decided by a district judge. Because defendant voluntarily submitted to the jurisdiction of the small claims court and chose not to exercise her right to have the matter removed to the general civil division of the district court, she had no right to appeal the decision of the trial court to the circuit court. MCL 600.8408(4); MCL 600.8412; *Cadle Co v City of Kentwood*, 285 Mich App 240; 776 NW2d 146 (2009); *Schomaker v Armour, Inc*, 217 Mich App 219; 550 NW2d 863 (1996). The circuit court lacked subject matter jurisdiction to entertain the appeal of defendant and, consequently, the order issued by the circuit court is void for want of jurisdiction. *Altman v Nelson*, 197 Mich App 467; 495 NW2d 826 (1992). This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 09 2010

Date

Sandra Schultz Mengel
Chief Clerk